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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
HOLLOWAY III, EDWIN C	

ART UNIT	PAPER NUMBER
2612	

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01/05/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/511,417	RUMPF, BERND	
	Examiner	Art Unit	
	Edwin C. Holloway, III	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 October 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

EXAMINER'S RESPONSE

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10-20-2008 has been entered. Claims 1-6 are pending. The examiner has considered the new presentation of claims and applicant's arguments in view of the disclosure and the present state of the prior art. And it is the examiner's position that the claims are unpatentable for the reasons set forth in this Office action:

Information Disclosure Statement

2. One of the foreign reference in the information disclosure statement filed 12-11-2008 fails to comply with 37 CFR 1.98(a)(3) because the IDS does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of this listed patent that is not in the English language. The document has been lined thru in the list and has not been considered.

Specification

3. The abstract of the disclosure is objected to because the reference numerals (14,18) do not match the drawings. Correction is required. See MPEP § 608.01(b).

4. The disclosure is objected to because of the following informalities: The references to the claims on page 2 of the specification are inappropriate because the claims may be amended to no longer correspond. Appropriate correction is required.

Claim Rejections - 35 USC § 102 & 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Mutoh '414 (US 5703414).

Regarding claim 1, Mutoh '414 discloses an apparatus arranged for providing drive-off security in a motor vehicle environment through blocking one or more vehicle engine system subfunctions said apparatus comprising:

a detection circuit (theft detector 10a) detecting an unauthorized system activation, and

an on-off control circuit (engine control unit ECU 16) pertaining to and controlling a fuel pump arrangement functionality means (fuel pump 18), said on-off control circuit being configured to electronically start the fuel pump arrangement at an attempted starting of the motor vehicle and being triggered to electronically switch off the fuel pump after the attempted starting when said detecting circuit detects that the attempted starting was unauthorized. See fig. 1, the abstract, col. 3 line 41 - col. 4 line 25 and col. 4 line 66 - col. 5 line 34. The ECU is a electronic control circuit that controls on-off (enable/halt) of various vehicle sections, such as fuel pump, via electrical signals/commands. Mutoh '414 eliminates delay in engine start by allowing the engine (including fuel pump) to start in response to attempted starting (switch-ON operation) and switches off (halts) the fuel pump "after" attempted starting when the detection circuit (10a) detects the attempt was unauthorized (col. 2 line 28 - col. 3 line 7).

Regarding claim 4, Mutoh '414 discloses a drive-off security electronic circuit (transmitter 4 in key 2 of fig. 6) wherein said detection circuit determines whether a pre-

established code word (ID code) is received from the drive-off security electronic circuit, said on-off control circuit being triggered to electronically switch off the fuel pump if no code word or an erroneous code word is received (halt control if ID does not match in col. 3 line 49 - col. 4 line 25). Alternatively, the theft detector 10a may be considered a drive-off security electronic circuit and the immobilization determining section 16b may be considered a detection circuit that provides an instruction to halt operation if it does not receive an enable code or receives a theft code.

Regarding claim 5, Mutoh '414 discloses said drive-off security circuit further encompasses at least one of start means inhibition (start relay 15), spark means inhibition (ignition control unit 20), and fuel injection means inhibition facilities (fuel injection valve 17) in col. 3 line 49 - col. 4 line 25).

Claim 6 is directed the limitations of apparatus claim 1 being included in a motor vehicle that is anticipated by Mutoh '414 disclosing a vehicle such as a car in col. 1 lines 19-33.

7. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mutoh '414 (US 5703414) as applied above in combination with Gilmore (US 6144112).

Mutoh '414 does not expressly disclose the physical position of the apparatus of claims 2 and 3.

Gilmore discloses a drive-off security (immobilization) apparatus with a control on-off circuit (fuel pump control unit) housed integrally within the fuel pump to make it more difficult for a thief to break into a communication link or control lines between the control unit and the pump. See the abstract, col. 2 lines 59-67, col. 4 lined 8-14 and fig. 1. This corresponds to said

on-off control circuit physically arranged in the immediate vicinity of a fuel tank of the motor vehicle in claim 2. This correspond to said on-off control circuit is physically integrated with one of a fuel tank or a fuel pump element of the motor vehicle of claim 3.

Regarding claims 2-3, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Mutoh '414 the physical position of the apparatus of claims 2-3 disclosed in Gilmore in order to make it more difficult for a thief to break into an communication link or control lines between the control unit and the pump.

8. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mutoh '414 (US 5703414) as applied above in combination with Woodall (US 5600723).

Mutoh '414 does not expressly disclose the physical position of the apparatus of claims 2 and 3.

Woodall discloses a drive-off security (secure electronic fuel pump) apparatus with a control on-off circuit (fuel pump driving circuit 29 and decode circuit 25) housed integrally within the fuel pump to make an attempt to circumvent the security system so difficult and time consuming that a thief is effectively prevented from obtaining access to the circuitry. See fig. 1, the abstract and col. 4 lines 1-5. This corresponds to said on-off control circuit physically arranged in the immediate vicinity of a fuel tank of the motor vehicle in claim 2. This correspond to said on-off control circuit is physically integrated with one of a fuel tank or a fuel pump element of the motor vehicle of claim 3. The fuel pump is disabled if a proper code is not received in col. 2 lines 22-41. Although switch off "after" an attempt is not expressly stated, it is suggested by the periodic recycling in col. 3 lines 51-61 wherein a thief may initially guess the code, then the code is changed and the pump is turned off.

Regarding claims 2-3, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Mutoh '414 the physical position of the apparatus of claims 2-3 disclosed in Woodall in order to make an attempt to circumvent the security system so difficult and time consuming that a thief is effectively prevented from obtaining access to the circuitry.

Alternatively, regarding claims 1-6, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Woodall the switch off "after" an attempt as disclosed in Mutoh '414 in order to eliminates delay in engine start.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Garretto (US 4991683) discloses an antitheft vehicle system that disables an electric fuel pump or a fuel shut off valve. Stadler (US 5172049) discloses a vehicle antitheft system that initially switches ON the fuel pump and switches OFF the pump after a time expires if proper input is not detected. Perry (US 6481404) discloses a vehicle starting method that compares security codes while priming the fuel pump, resulting in minimal delay time.

Response to Arguments

10. Applicant's arguments with respect to claims 1-6 filed 10-2-2008 have been considered but are moot in view of the new ground(s) of rejection.

CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (571) 272-3058. The examiner can normally be reached on M-F from 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman, can be reached on (571) 272-3059.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

1/5/2009
(571) 272-3058

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Primary Examiner, Art Unit 2612